

REFERENCE TITLE: law enforcement officers; arrest; responsibility

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1275

Introduced by
Senator Huppenthal

AN ACT

AMENDING TITLE 13, CHAPTER 38, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3907; RELATING TO ARREST.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 13, chapter 38, article 7, Arizona Revised Statutes,
3 is amended by adding section 13-3907, to read:

4 13-3907. Duty of law enforcement officer after arrest; minor
5 children

6 A. A LAW ENFORCEMENT OFFICER SHALL DETERMINE IF A PERSON WHO IS
7 ARRESTED IS A PARENT OR GUARDIAN OF A MINOR CHILD AND IF THE CHILD'S
8 IMMEDIATE WELFARE WILL BE IN DANGER BECAUSE OF THE PARENT OR GUARDIAN'S
9 ARREST.

10 B. THE LAW ENFORCEMENT OFFICER IS RESPONSIBLE FOR THE CHILD'S WELFARE
11 AND PLACEMENT IMMEDIATELY FOLLOWING THE PARENT OR GUARDIAN'S ARREST AND SHALL
12 DO ALL OF THE FOLLOWING:

13 1. MAINTAIN A RECORD OF THE NAME AND DATE OF BIRTH OF ANY CHILD THAT
14 IS TRANSFERRED TO THE CARE OF A THIRD PARTY FOLLOWING THE ARREST.

15 2. ENSURE THAT ANY THIRD PARTY WHO RECEIVES CUSTODY OF A CHILD IS AN
16 APPROPRIATE AND RESPONSIBLE ADULT.

17 3. TAKE ALL REASONABLE PRECAUTIONS TO REDUCE ANY TRAUMA TO THE CHILD
18 AT THE TIME OF THE ARREST.

19 4. MAINTAIN A RECORD OF THE NAME AND ADDRESS OF ANY THIRD PARTY WHO
20 TAKES CUSTODY OF A CHILD FOLLOWING AN ARREST.